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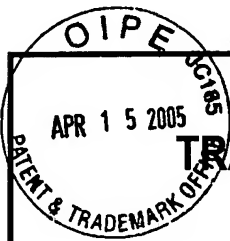
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PTO/SB/21 (6-99)

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 <p><b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)</p>	Application Number	10/714,195
	Filing Date	November 14, 2003
	First Named Inventor	JOFFRE B. BAKER, et al.
	Group/Art Unit	1634
	Examiner Name	Unassigned
Total Number of Pages in This Submission	Attorney Docket Number	39740-0005A

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> After Final <input type="checkbox"/> Version With Markings Showing Changes <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of time request <input type="checkbox"/> INFORMATION DISCLOSURE STATEMENT WITH FORM PTO-1449 (and REFERENCES) <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> <b>RESPONSE TO DECISION ON PETITION UNDER 37 CFR 1.47(a)</b> <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 <input type="checkbox"/> Copy of Notice	<input checked="" type="checkbox"/> <b>COPY OF EXECUTED DECLARATION FROM DR. BASELGA</b> <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> <b>Stamped Return Postcard; Cover Page for Petition.</b>
Remarks <b>AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER.</b>		

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	HELLER EHRMAN WHITE & McAULIFFE LLP		David C. Foster, Reg. No.: 44,685
Signature	275 Middlefield Road, Menlo Park, California 94025	Telephone: (650) 324-7000	Facsimile: (650) 324-0638
Date	April 15, 2005	Customer Number:	25213

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SV 2118172 v1

**Attorney Docket No.: 39740-0005A**

**RESPONSE TO PETITION UNDER 37 CFR 1.47(a)**

**Applicants: Joffre B. Baker, et al.**

**Serial No.: 10/714,195**

**Filing Date: November 14, 2003**

**Title: Gene Expression Profiling of EGFR Positive Cancer**

**Attorney in Charge: Paul Shanoski, Esq.**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Baker, et al. Docket No.: 39740-0005A  
Serial No.: 10/714,195 Group Art Unit: 1634  
Filing Date: November 14, 2003 Examiner: Unassigned  
Title: **GENE EXPRESSION PROFILING OF EGFR POSITIVE  
CANCER**

**Express Mail No.: EL 993 633 489 US**

**MS: Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**RESPONSE TO DECISION ON PETITION UNDER 37 CFR 1.47(a)**

This is in response to the Decision Refusing Status Under 37 C.F.R. §1.47(a) ("Decision") mailed on February 15, 2005. This response is timely filed within the two month shortened statutory period set by the Petitions' Branch for the response, and no extension of time fees are due. Attached herewith are (1) a copy of the executed declaration from the Dr. Baselga. Dr. Baselga was previously identified as a non-signing inventor.

Given that all of the inventors have executed an Oath or Declaration pursuant to 37 CFR 1.63, joinder of all inventors has been achieved. As such, the petition under 37 CFR 1.47(a) is moot. Applicants respectfully request entry of the Declaration by Dr. Baselga.

Applicants believe that because the petition fee of \$130.00 was paid with the previous (denied) petition, no fee is due with this response. However, the Commissioner is authorized to charge any fees, including petition fees and any fees for extension of time, or credit any overpayment to Deposit Account No. **08-1641** (referencing Docket No. **39740-0005**).

Respectfully submitted,

David C. Foster  
Reg. No. 44,685

Date: March 15, 2005

**Heller Ehrman, LLP**  
**Customer No. 25213**  
275 Middlefield Road  
Menlo Park, CA 94025  
Tel: (650) 324-7000 / Fax: (650) 324-0638  
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